

# JONES DAY

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October 6, 2022

VIA ECF

The Honorable Vincent L. Briccetti  
United States District Court Judge for the  
Southern District of New York  
300 Quarropas Street, Room 630  
White Plains, NY 10601

Re: Roberts et al. v. International Business Machines Corp., 7:21-CV-09928

Dear Judge Briccetti:

I write on behalf of International Business Machines Corp. (“Defendant”) to update the Court as to the status of the parties’ discussions regarding the scope of the claims in the case and to seek an additional extension of time for Defendant to move, plead, or otherwise respond to the Complaint, as further outlined below.

There are 42 Plaintiffs in this litigation. Since my August 4, 2022 communication to the Court, the parties have made significant progress in their discussions concerning the scope of the case. In particular, Plaintiffs have agreed to file notices of dismissal covering 17 out of 42 Plaintiffs, and the parties are continuing to confer on additional issues that may further narrow the scope of the case. Accordingly, the parties propose the following schedule for Plaintiffs to file a notice of dismissal and Defendant to move, plead or otherwise respond to the Complaint:

- **November 9, 2022:** Plaintiffs will file a notice of dismissal pursuant to Rule 41(a)(1).
- **December 9, 2022:** IBM will move, plead, or otherwise respond to the Complaint.

The current deadline for Defendant to move, plead or otherwise respond to the Complaint is October 10, 2022, and Defendant made three previous requests to extend its time to respond to the Complaint in order to give the parties time to meet and confer over the scope of the claims in the case. All three prior requests were granted. The original deadline was April 11, 2022. Plaintiffs have consented to this extension, which does not affect any other case deadlines.

If this proposed extension meets with Your Honor’s approval, a “So Ordered” line is provided below for the Court’s convenience.

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Respectfully submitted,

/s/ Matthew W. Lampe

Matthew W. Lampe

cc: Joseph M. Sellers  
David G. Webbert  
Steven M. Tindall

Attorneys for Plaintiffs

IT IS SO ORDERED.

DATED: \_\_\_\_\_

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Hon. Vincent L. Briccetti  
United States District Court Judge